

MEMORANDUM

November 29, 2004

TO: THE LOS ANGELES COUNTY CLAIMS BOARD

FROM: JOHN COLLINS
Collins, Collins, Muir, and Stewart

ROGER H. GRANBO
Principal Deputy County Counsel
General Litigation Division

RE: Mark and Vivian Pope v. County of Los Angeles
Torrance Superior Court Case No. YC045778

DATE OF
INCIDENT: August 22, 2002

AUTHORITY
REQUESTED: \$100,000

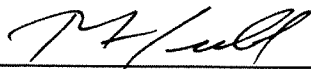
COUNTY
DEPARTMENT: Fire Department

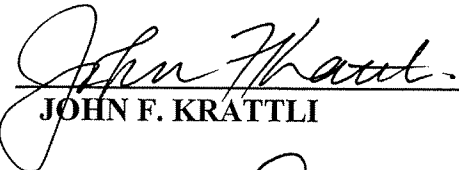
CLAIMS BOARD ACTION:


☒ Approve

☐ Disapprove

☐ Recommend to Board of
Supervisors for Approval


_____, Chief Administrative Office
ROCKY A. ARMFIELD


_____, County Counsel
JOHN F. KRATTLI


_____, Auditor-Controller
MARIA M. OMS

on December 6, 2004

SUMMARY

This is a recommendation to settle for \$100,000, a lawsuit filed by Mark and Vivian Pope. Mark Pope was injured in an accident with a Fire Department vehicle, and Vivian Pope claims damages for loss of consortium.

LEGAL PRINCIPLES

A public entity is responsible for the negligent and intentional acts of its employees when the acts are done in the course and scope of employment.

SUMMARY OF FACTS

On August 22, 2002, a County lifeguard was driving a lifeguard vehicle on the sand at El Porto Beach. When the lifeguard drove over a slight berm in the sand, the left front wheel of his vehicle ran over Mark Pope, who was lying in the sand with headphones on.

Mr. Pope was taken to the hospital by ambulance and was treated for injuries to his back, chest, neck, shoulder, and hips. He was later diagnosed with a fractured sternum, a dislocated shoulder, and other soft tissue injuries.

DAMAGES

Should this matter proceed to trial, we estimate the potential damages could be as follows:

Medical expenses	\$ 40,000
Loss of earnings	\$ 35,000
Pain and suffering	\$250,000
Vivian Pope's loss of consortium	<u>\$ 25,000</u>
Total	<u><u>\$350,000</u></u>

The proposed settlement calls for the County to pay Mark and Vivian Pope \$100,000 for all of their claims for damages, costs, and attorney fees.

STATUS OF CASE

The trial court proceedings have been suspended pending consideration of the proposed settlement.

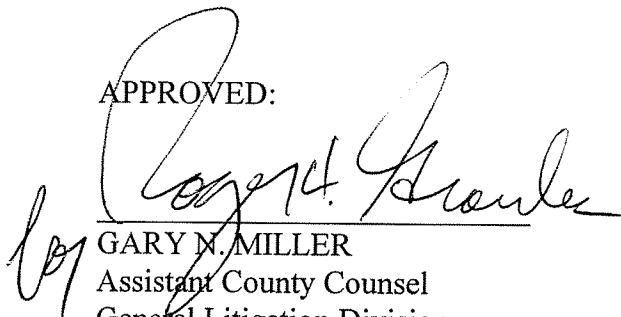
Expenses incurred by the County in defense of this action are attorney fees of \$60,186 and \$26,611 in costs.

EVALUATION

This is a case of probable liability. The traffic investigation concluded that the lifeguard caused the accident. A reasonable settlement at this time will avoid further litigation costs, and a potential jury verdict that could exceed the amount of the settlement.

We join with our private attorney Collins, Collins, Muir, and Stewart, and our third party administrator, Carl Warren and Company, in recommending a settlement of this matter in the amount of \$100,000. The Fire Department concurs in the recommendation.

APPROVED:



GARY N. MILLER
Assistant County Counsel
General Litigation Division

GNM:RHG:scr